

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES MICHAEL FAYED,
Plaintiff,
v.
DAVID WINSLOW, et al.,
Defendants.

Case No. [23-cv-01012-JST](#)

ORDER OF DISMISSAL

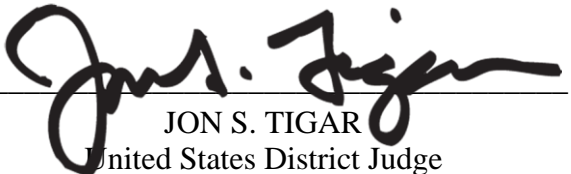
Re: ECF No. 10

Plaintiff, an inmate housed at San Quentin State Prison ("SQSP"), filed a *pro se* action pursuant to 42 U.S.C. § 1983. Plaintiff has since filed a motion to withdraw this action without prejudice, which the Court construes as a request for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1). ECF No. 10. Plaintiff also requests that the Court waive the filing fees. Fed. R. Civ. P. 41(a)(1) provides that a plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment, and that such dismissal is without prejudice. Fed. R. Civ. P. 41(a)(1). Defendants have not yet filed an answer. Accordingly, Plaintiff's motion for voluntary dismissal is GRANTED. ECF No. 10. The Court cannot waive filing fees. The Court is required to assess filing fees whenever a civil action is initiated. 28 U.S.C. § 1914. This action is DISMISSED without prejudice. The Clerk shall enter judgment against Plaintiff and in favor of Defendants, and close the case.

This order terminates ECF No. 18.

IT IS SO ORDERED.

Dated: April 25, 2023


JON S. TIGAR
United States District Judge